

SECRET

OGC Has Reviewed

MEMORANDUM FOR: Assistant Director for Personnel

8 February 1955

SUBJECT : Rights of Contract Personnel on Conversion to Staff Status

REFERENCE : (A) Memorandum from OGC, Subject Home Leave -  
[redacted] 17 February 1953

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(B) [redacted] 6 December 1954

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1. In February 1953, SE Division requested an opinion from the Office of the General Counsel regarding the status of an individual who had gone to the field as a contract agent, served nine months in that status, and then was converted to staff employee. The Office of General Counsel in its opinion (copy attached) stated "It would be legally objectionable to credit Subject's service as a contract agent towards the requisite period of two years continuous service abroad for purpose of granting him statutory leave in the United States." The opinion in question dealt primarily with the case of a contract agent who was converted to staff status.

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2. [redacted] has requested that we initiate action to convert two contract employees, and two career agents to staff employee status. The Station has further requested that we elaborate on headquarters policy regarding home leave rights for personnel converted to staff status in the field in that would time already served abroad as a contract employee or a career agent count toward the two years required as minimum eligibility for home leave. In this regard certain other questions have arisen on which we should also appreciate an opinion. These are: where a contract employee or career agent is awarded leave in his contract will he be allowed to transfer accrued leave to his new status; may he be paid off for the leave; or must he forfeit it; and, since both career agent, and contract employee contracts usually spell out that the individual is an employee of the U. S. Government, may the individuals be appointed at an intermediate salary level or must he enter at the base of the grade? Career agent contracts usually specify that the individual, as a career agent, will be entitled to periodic in-grades.

3. Specific information on each individual case is as follows:

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(A) [redacted] (P) - Contract Employee; arrived in [redacted] 22 August 1953; Salary [redacted] Home leave provision - granted upon completion of each two years tour overseas; Annual and sick leave equal to and subject to same rules and regulations applicable to Government Employees.

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(B) [redacted] - Contract Employee; arrived in [redacted] 26 November 1952; Salary [redacted] Home leave - no provision as such, but contract expires 14 July 1955 and provides for return travel; Sick and annual leave equal to and subject to same rules and regulations applicable to Government Employees.

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(C) [redacted] - Career Agent, arrived in [redacted] 6 September 1954 (second tour); Salary [redacted] (in-grade promotion provided for in contract) Leave "annual and sick leave benefits will be granted at a rate equal to that authorized for regular employees of the U. S. Government. In the event you become a staff agent or staff employee, accumulated or accrued annual leave will be credited to you under your new status, or, in the discretion of CIA, you will be paid for such leave."

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(D) [redacted] - Career Agent, arrived in [redacted] 16 January 1955 (second tour); [redacted] (increases in basic salary shall be in accordance with CIA policy) annual and sick leave in accordance with cover (cover presently that of Dept. of Army Civilian) "In the event that Employee's Cover employment is terminated and CIA desires that Employee continue his employment hereunder, leave benefits, similar to those granted CIA staff employees will be afforded Employees until other suitable cover is obtained."

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SE/ADMIN

- Attachments: 1. Memorandum from OGC  
2. [redacted] 6 December 1954

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